

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOURDEN ST. MARKS,

Defendant.

CR-13-24-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on February 12, 2019. (Doc. 86.) The United States alleged that Jourden St. Marks violated his conditions of supervised release by (1) using marijuana, and (2) consuming alcohol. (Doc. 78 at 2.)

Judge Johnston entered Findings and Recommendations in this matter on February 14, 2019. (Doc. 87.) St. Marks waived his right to object to Judge Johnston's Findings and Recommendations. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations.

Thomas v. Arn, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of St. Marks's supervised release. Judge Johnston has recommended that the Court revoke St. Marks's supervised release and commit St. Marks to the custody of the Bureau of Prisons for a term of 6 months, with 19 months of supervised release to follow. (Doc. 87 at 3.) Judge Johnston further recommended that St. Marks reside at the Great Falls Pre-Release Center during the first six months of supervised release.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. St. Marks's violation of his conditions represents a serious breach of the Court's trust. A sentence of 6 months custody, followed by 19 months of supervised release represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 87) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Jourden St. Marks be sentenced to 6 months custody with 19 months of supervised release to follow. St.

Marks shall reside at the Great Falls Pre-Release Center during the first six months of supervised release.

DATED this 19th day of February, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris
United States District Court Judge